

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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LOWANA SHANELL DUMAS,

Plaintiff,

v.

Case No. 10-12661

HURLEY MEDICAL CENTER, et al.,

Defendants.

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**ORDER**

**(1) DENYING PLAINTIFF'S MOTION FOR STAY PENDING SERVICE OF  
DISCOVERY BY FORMER COUNSEL AND  
(2) DIRECTING RACINE MILLER TO FILE A STATEMENT**

On January 13, 2013, the court granted Racine Miller's motion to withdraw as Plaintiff's counsel. While Miller claimed that her withdrawal would likely have a material adverse effect on Plaintiff's interests, Plaintiff sought Miller's removal and the court found that there was a breakdown in the attorney-client relationship. The court directed Miller to return all discovery to Plaintiff by January 24, 2013. On January 29, 2013, Miller filed a proof of service stating that she served upon Plaintiff the entire legal file by hand-delivery at Great Lakes Crossing Mall theater parking lot.

On February 4, 2013, Plaintiff moved to stay the dispositive motion deadlines pending service of discovery by Miller. Contrary to Miller's assertion, Plaintiff alleges that Miller has not produced Plaintiff's medical documents (including original x-rays and doctor reports, although it is not clear what significance those would afford in a response to a dispositive motion). Plaintiff filed an addendum to her motion on

February 11, 2013, claiming that Miller has also not provided the deposition testimony of Victoria Thompson and Barbara Weston.

Plaintiff's allegations do not persuade the court to issue a stay of the dispositive motion deadlines. Plaintiff's responses to Defendants' motions for summary judgment will remain due on February 15, 2013. However, the court will direct Miller to rapidly re-examine her file(s) on this matter and to forthwith file a supplemental statement from her examination saying that she did, or did not, tender to Plaintiff the discovery items that Plaintiff maintains she did not receive.

If Miller informs the court that she did not produce all of the discovery documents to Plaintiff, the court will then, but only then, consider Plaintiff's motion to stay or expand the dispositive motion response deadlines. If Miller affirms that she has already done everything she could have done, *i.e.*, that she produced the noted documents or did not possess them, no change to the briefing schedule is called for.<sup>1</sup> Accordingly,

IT IS ORDERED that Plaintiff's motion to stay the dispositive motion deadlines [Dkt. # 169] is DENIED.

IT IS FURTHER ORDERED that Racine Miller is DIRECTED to file a statement by **February 13, 2013**, affirming that she has again examined her files and stating

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<sup>1</sup> One thing that the court will not permit is the institution of a Dumas-against-Miller contest inside this litigation. Miller is an officer of the court, and her supplemental affirmation will be the end of this inquiry. The motions were filed in mid-December, as was Plaintiff's request to remove Miller. Plaintiff has had full access to the motions, the briefing, and the supporting exhibits since the day they were proffered by the moving parties. Plaintiff, originally a far-above-average e-filing *pro se* litigant who uses the court's PACER system, is entirely capable of reading and understanding the import of such documents. She moved against her attorney facing a looming deadline for dispositive motion briefing, and the court presumes now that she knew what she was doing then.

whether she produced, or did not produce, Plaintiff's medical documents and the deposition testimony of Victoria Thompson and Barbara Weston.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: February 12, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 12, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522